IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7395 OF 2005

M/s.Galaxy Promoters & Builders .. Petitioners

Vs.

M/s.Rajesh Builders and Others .. Respondents

Mr.A.H.Palekar for the petitioner

Mr.S.S.Patwardhan for respondent no.1

CORAM : S.U.KAMDAR, J
DATED : 29TH NOVEMBER, 2005

P.C.:

1. The present petition is filed challenging the order for granting the amendment under Order VI, Rule 17 of the Civil Procedure Code. The learned trial court has exercised discretion for the reasons set out in Ex. O in the impugned order passed in Ex.40 in M.A.No.470/95 at Page 95 of the petition.

2. I do not find any reasons to interfere with the order granting the amendment. It is now settled law that amendment be granted liberally

unless the case is made out for taking away an admission from the said pleading which has created any vested right in the other party. In that light of the aforesaid, I find no merits whatsoever in the present writ petition. However, it is made clear that the merits of the averments made in the amendment application no.470 of 2005 be heard and determined on its own merits at the trial of the main pending application. In that view of the matter, petition is dismissed. No order as to costs.